

105TH CONGRESS
2D SESSION

S. 2566

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, OCTOBER 2), 1998

Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, Mr. D'AMATO, Mr. CLELAND, Mr. JOHNSON, Mr. COCHRAN, Ms. MIKULSKI, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reinvestment and En-
 5 vironmental Restoration Act of 1998”.

6 **TITLE I—COASTAL IMPACT ASSISTANCE**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Coastal Conservation
 9 and Impact Assistance Act of 1998”.

10 **SEC. 102. AMENDMENT TO OUTER CONTINENTAL SHELF**
 11 **LANDS ACT.**

12 The Outer Continental Shelf Lands Act Amendments
 13 of 1978 (92 Stat. 629), as amended, is amended to add
 14 at the end thereof a new Title VII as follows:

15 **“SEC. 701. FINDINGS.**

16 “The Congress finds and declares that—

17 “(1) The Nation owns valuable mineral re-
 18 sources that are located both onshore and in the
 19 Federal Outer Continental Shelf, and the Federal
 20 Government develops these resources for the benefit
 21 of the Nation, under certain restrictions designed to
 22 prevent environmental damage and other adverse
 23 impacts.

24 “(2) Nonetheless, the development of these min-
 25 eral resources of the Nation is accompanied by un-

1 avoidable environmental impacts and public service
2 impacts in the States that host this development,
3 whether the development occurs onshore or on the
4 Federal Outer Continental Shelf.

5 “(3) The Federal Government has a respon-
6 sibility to the States affected by development of Fed-
7 eral mineral resources to mitigate adverse environ-
8 mental and public service impacts incurred due to
9 that development.

10 “(4) The Federal Government discharges its re-
11 sponsibility to States where onshore Federal mineral
12 development occurs by sharing 50 percent of the rev-
13 enue derived from the Federal mineral development
14 in that State pursuant to section 35 of the Mineral
15 Leasing Act.

16 “(5) Federal mineral development is occurring
17 as far as 200 miles offshore and occurs off the coast
18 of only 6 States, yet section 8(g) of the Outer Con-
19 tinental Shelf Lands Act does not adequately com-
20 pensate these States for the onshore impacts of the
21 offshore Federal mineral development.

22 “(6) Federal Outer Continental Shelf mineral
23 development is an important and secure source of
24 our Nation’s supply of oil and natural gas.

1 “(7) Further technological advancements in oil
2 and natural gas exploration and production need to
3 be pursued and encouraged.

4 “(8) These technological achievements have and
5 will continue to result in new Outer Continental
6 Shelf production having an unparalleled record of
7 excellence on environmental safety issues.

8 “(9) Additional technological advances with ap-
9 propriate incentives will further improve new re-
10 source recovery and therefore increase revenues to
11 the Treasury for the benefit of all Americans who
12 enjoy programs funded by Outer Continental Shelf
13 moneys.

14 “(10) The Outer Continental Shelf Advisory
15 Committee of the Department of the Interior, con-
16 sisting of representatives of coastal States, rec-
17 ommended in October 1997 that Federal mineral
18 revenue derived from the entire Outer Continental
19 Shelf be shared with all coastal States and terri-
20 tories to mitigate onshore impacts from Federal off-
21 shore mineral development and for other environ-
22 mental mitigation; and

23 “(11) The Nation’s Federal mineral resources
24 are a nonrenewable, capital asset of the Nation, with
25 the production and sale of this resource producing

1 revenue for the Nation, a portion of the revenue de-
2 rived from the production and sale of Federal min-
3 eral resources should be reinvested in the Nation
4 through environmental mitigation and public service
5 improvements.

6 **“SEC. 702. DEFINITIONS.**

7 “For purposes of this Act:

8 “(1) The term ‘allocable share’ means, for a
9 coastal State, that portion of revenue that is avail-
10 able to be distributed to that coastal State under
11 this title. For an eligible political subdivision of a
12 coastal State, such term means that portion of reve-
13 nue that is available to be distributed to that politi-
14 cal subdivision under this title.

15 “(2) The term ‘coastal population’ means the
16 population of political subdivisions, as determined by
17 the most recent official data of the Census Bureau,
18 contained in whole or in part within the designated
19 coastal boundary of a State as defined in a State’s
20 coastal zone management program under the Coast-
21 al Zone Management Act (16 U.S.C. § 1455).

22 “(3) The term ‘coastline’ has the same meaning
23 that is has in the Submerged Lands Act (43 U.S.C.
24 § 1301 et seq.).

1 “(4) The term ‘eligible political subdivision’
2 means a coastal political subdivision of a coastal
3 State which political subdivision has a seaward
4 boundary that lies within a distance of 200 miles
5 from the geographic center of any leased tract. The
6 Secretary shall annually provide a list of all eligible
7 political subdivisions of each coastal State to the
8 Governor of such State.

9 “(5) The term ‘political subdivision’ means the
10 local political jurisdiction immediately below the level
11 of State government, including counties, parishes,
12 and boroughs. If State law recognizes an entity of
13 general government that functions in lieu of, and is
14 not within, a county, parish, or borough, the Sec-
15 retary may recognize an area under the jurisdiction
16 of such other entities of general government as a po-
17 litical subdivision for purposes of this Act.

18 “(6) The term ‘coastal State’ means any State
19 of the United States bordering on the Atlantic
20 Ocean, the Pacific Ocean, the Arctic Ocean, the Ber-
21 ing Sea, the Gulf of Mexico, or any of the Great
22 Lakes, Puerto Rico, Guam, American Samoa, the
23 Virgin Islands, and the Commonwealth of the North-
24 ern Mariana Islands.

1 “(7) The term ‘distance’ means minimum great
2 circle distance, measured in statute miles.

3 “(8) The term ‘fiscal year’ means the Federal
4 Government’s accounting period which begins on Oc-
5 tober 1st and ends on September 30th, and is des-
6 ignated by the calendar year in which it ends.

7 “(9) The term ‘Governor’ means the highest
8 elected official of a coastal State.

9 “(10) The term ‘leased tract’ means a tract,
10 leased under section 8 of the Outer Continental
11 Shelf Lands Act (43 U.S.C. § 1337) for the purpose
12 of drilling for, developing and producing oil and nat-
13 ural gas resources, which is a unit consisting of ei-
14 ther a block, a portion of a block, a combination of
15 blocks and/or portions of blocks, as specified in the
16 lease, and as depicted on an Outer Continental Shelf
17 Official Protraction Diagram.

18 “(11) The term ‘revenues’ means all moneys re-
19 ceived by the United States as bonus bids, rents,
20 royalties (including payments for royalty taken in
21 kind and sold), net profit share payments, and relat-
22 ed late-payment interest from natural gas and oil
23 leases issued pursuant to the Outer Continental
24 Shelf Lands Act.

1 “(12) The term ‘Outer Continental Shelf’
 2 means all submerged lands lying seaward and out-
 3 side of the area of ‘lands beneath navigable waters’
 4 as defined in section 2(a) of the Submerged Lands
 5 Act (43 U.S.C. § 1301(a)), and of which the subsoil
 6 and seabed appertain to the United States and are
 7 subject to its jurisdiction and control.

8 “(13) The term ‘Secretary’ means the Secretary
 9 of the Interior or the Secretary’s designee.

10 **“SEC. 703. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

11 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-
 12 lished in the Treasury of the United States a fund which
 13 shall be known as the ‘Outer Continental Shelf Impact As-
 14 sistance Fund’ (referred to in this Act as ‘the Fund’). The
 15 Secretary shall deposit in the Fund 27 percent of the reve-
 16 nues from each leased tract or portion of a leased tract
 17 lying seaward of the zone defined and governed by section
 18 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C.
 19 § 1337(g)), or lying within such zone but to which section
 20 8(g) does not apply, the geographic center of which lies
 21 within a distance of 200 miles from any part of the coast-
 22 line of any coastal State.

23 “(2) The Secretary of the Treasury shall invest mon-
 24 eys in the Fund that are excess to expenditures at the
 25 written request of the Secretary, in public debt securities

1 with maturities suitable to the needs of the Fund, as de-
2 termined by the Secretary, and bearing interest at rates
3 determined by the Secretary of the Treasury, taking into
4 consideration current market yields on outstanding mar-
5 ketable obligations of the United States of comparable ma-
6 turity.

7 “(b) PAYMENT TO STATES.—Notwithstanding sec-
8 tion 9 of the Outer Continental Shelf Lands Act (43
9 U.S.C. § 1338), the Secretary shall, without further ap-
10 propriation, make payments in each fiscal year to coastal
11 States and to eligible political subdivisions equal to the
12 amount deposited in the Fund for the prior fiscal year,
13 together with the portion of interest earned from invest-
14 ment of the funds which corresponds to that amount (re-
15 duced by any refunds paid under section 705(c)). Such
16 payments shall be allocated among the coastal States and
17 eligible political subdivisions as provided in this section.

18 “(c) DETERMINATION OF STATES’ ALLOCABLE
19 SHARES.—

20 “(1) ALLOCABLE SHARE FOR EACH STATE.—

21 For each coastal State, the Secretary shall deter-
22 mine the State’s allocable share of the total amount
23 of the revenues deposited in the Fund for each fiscal
24 year using the following weighted formula:

1 “(A) 25 percent of the State’s allocable
2 share shall be based on the ratio of such State’s
3 shoreline miles to the shoreline miles of all
4 coastal States.

5 “(B) 25 percent of the State’s allocable
6 share shall be based on the ratio of such State’s
7 coastal population to the coastal population of
8 all coastal States.

9 “(C) 50 percent of the State’s allocable
10 share shall be computed based upon Outer Con-
11 tinental Shelf production. If any portion of a
12 coastal State lies within a distance of 200 miles
13 from the geographic center of any leased tract,
14 such State shall receive 50 percent of its alloca-
15 ble share based on the Outer Continental Shelf
16 oil and gas production offshore of such State.
17 Such part of its allocable share shall be in-
18 versely proportional to the distance between the
19 nearest point on the coastline of such State and
20 the geographic center of each leased tract or
21 portion of the leased tract (to the nearest whole
22 mile), as determined by the Secretary.

23 “(2) MINIMUM STATE SHARE.—

24 “(A) IN GENERAL.—The allocable share of
25 revenues determined by the Secretary under

1 this subsection for each coastal State with an
2 approved coastal management program (as de-
3 fined by the Coastal zone Management Act (16
4 U.S.C. § 1451) or which is making satisfactory
5 progress toward one shall not be less than 0.50
6 percent of the total amount of the revenues de-
7 posited in the Fund for each fiscal year. For
8 any other coastal State the allocable share of
9 such revenues shall not be less than 0.25 per-
10 cent of such revenues.

11 “(B) RECOMPUTATION.—Where one or
12 more coastal States’ allocable shares, as com-
13 pared under paragraph (1), are increased by
14 any amount under this paragraph, the allocable
15 share for all other coastal States shall be re-
16 computed and reduced by the same amount so
17 that not more than 100 percent of the amount
18 deposited in the fund is allocated to all coastal
19 States. The reduction shall be divided pro rata
20 among such other coastal States.

21 “(d) PAYMENTS TO STATES AND POLITICAL SUB-
22 DIVISIONS.—Each coastal State’s allocable share shall be
23 divided between the State and political subdivision in that
24 State as follows:

1 “(1) 40 percent of each State’s allocable share,
2 as determined under subsection (c), shall be paid to
3 the State;

4 “(2) 40 percent of each State’s allocable share,
5 as determined under subsection (c), shall be paid to
6 the eligible political subdivisions in such State, with
7 the funds to be allocated among the eligible political
8 subdivisions using the following weighted formula:

9 “(A) 50 percent of an eligible political sub-
10 division’s allocable share shall be based on the
11 ratio of that eligible political subdivision’s acre-
12 age within the State’s coastal zone, as defined
13 in an approved State coastal management pro-
14 gram (as defined by the Coastal Zone Manage-
15 ment Act (16 U.S.C. § 1451)), to the entire
16 acreage within the coastal zone in such State:
17 *Provided, however,* That if the State in which
18 the eligible subdivision is located does not have
19 an approved coastal management program, then
20 the allocable share shall be based on the ratio
21 of that eligible political subdivision’s shoreline
22 miles to the total shoreline miles in that coastal
23 State.

24 “(B) 25 percent of an eligible political sub-
25 division’s allocable share shall be based on the

1 ratio of such eligible political subdivision's
2 coastal population to the coastal population of
3 all eligible political subdivisions in that State.

4 “(C) 25 percent of an eligible political sub-
5 division's allocable share shall be based on ra-
6 tios that are inversely proportional to the dis-
7 tance between the nearest point on the seaward
8 boundary of each such eligible political subdivi-
9 sion and the geographic center of each leased
10 tract or portion of the leased tract (to the near-
11 est whole mile), as determined by the Secretary.

12 “(3) 20 percent of each State's allocable share,
13 as determined under subsection (c), shall be allo-
14 cated to political subdivisions in the coastal State
15 that do not qualify as eligible political subdivisions
16 but which are determined by the Governor or the
17 Secretary to have impacts from Outer Continental
18 Shelf related activities and which have an approved
19 plan under this subsection.

20 “(4) PROJECT SUBMISSION.—Prior to the re-
21 ceipt of funds pursuant to this subsection for any
22 fiscal year, a political subdivision must submit to the
23 Governor of the State in which it is located a plan
24 setting forth the projects and activities for which the
25 political subdivision proposes to expend such funds.

1 Such plan shall state the amounts proposed to be
2 expended for each project or activity during the up-
3 coming fiscal year.

4 “(5) PROJECT APPROVAL.—(A) Prior to the
5 payment of funds pursuant to this subsection to any
6 political subdivision for any fiscal year, the Governor
7 must approve the plan submitted by the political
8 subdivision pursuant to this subsection and notify
9 the Secretary of such approval. State approval of
10 any such plan shall be consistent with all applicable
11 State and Federal law. In the event the Governor
12 disapproves any such plan, the funds that would oth-
13 erwise be paid to the political subdivision shall be
14 placed in escrow by the Secretary pending modifica-
15 tion and approval of such plan, at which time such
16 funds together with interest thereon shall be paid to
17 the political subdivision.

18 “(B) A political subdivision that fails to re-
19 ceive approval from the Governor for a plan
20 may appeal to the Secretary and the Secretary
21 may approve or disapprove such plan based on
22 the criteria set forth in section 704: *Provided,*
23 *however,* That the Secretary shall have no au-
24 thority to consider an appeal of a political sub-
25 division if the Governor of the State has cer-

1 tified in writing to the Secretary that the State
2 has adopted a State program that by its ex-
3 press terms addresses the allocation of revenues
4 to political subdivisions.

5 “(e) TIME OF PAYMENT.—(1) Payments to coastal
6 States and political subdivisions under this section shall
7 be made not later than December 31 of each year from
8 revenues received and interest earned thereon during the
9 immediately preceding fiscal year. Payment shall not com-
10 mence before the date 12 months following the date of
11 enactment of this Act.

12 “(2) Any amount in the Fund not paid to coastal
13 States and political subdivisions under this section in any
14 fiscal year shall be disposed of according to the law other-
15 wise applicable to revenues from leases on the Outer Con-
16 tinental Shelf.

17 **“SEC. 704. USES OF FUNDS.**

18 “Funds received pursuant to this Act shall be used
19 by the coastal States and political subdivisions for projects
20 and activities, including but not limited to the following:

21 “(1) Air quality, water quality, fish and wildlife,
22 wetlands, or other coastal resources, including shore-
23 line protection and coastal restoration.

24 “(2) Other activities of such State or political
25 subdivision, authorized by the Coastal Zone Manage-

1 ment Act of 1972 (16 U.S.C. §1451 et seq.), the
 2 provisions of subtitle B of title IV of the Oil Pollu-
 3 tion Act of 1990 (104 Stat. 523), or the Federal
 4 Water Pollution Control Act (33 U.S.C. §1251 et
 5 seq.).

6 “(3) Administrative costs of complying with the
 7 provisions of this subtitle.

8 “(4) Uses related to the Outer Continental
 9 Shelf Lands Act.

10 “(5) Mitigating impacts of Outer Continental
 11 Shelf activities, including onshore infrastructure and
 12 public service needs.

13 **“SEC. 705. CERTIFICATION; ANNUAL REPORT; REFUNDS.**

14 “(a) CERTIFICATION.—Not later than 60 days after
 15 the end of the fiscal year, any political subdivision receiv-
 16 ing moneys from the Fund must certify to the Governor—

17 “(1) the amount of such funds expended by the
 18 political subdivision during the previous fiscal year;

19 “(2) the amounts expended on each project or
 20 activity;

21 “(3) a general description of how the funds
 22 were expended; and

23 “(4) the status of each project or activity.

24 “(b) REPORT.—On June 15 of each year, the Gov-
 25 ernor of each State receiving moneys from the Fund shall

1 account for all moneys so received for the previous fiscal
 2 year in a written report to the Secretary and the Congress.
 3 This report shall include a description of all projects and
 4 activities receiving funds under this Act, including all in-
 5 formation required under subsection (a).

6 “(c) REFUNDS.—In those instances where through
 7 judicial decision, administrative review, arbitration, or
 8 other means there are royalty refunds owed to entities
 9 generating revenues under this Act, 27 percent of such
 10 refunds shall be paid from amounts available in the
 11 Fund.”.

12 **SEC. 103. AMENDMENT TO SECTION 8 OF THE OUTER CON-**
 13 **TINENTAL SHELF LANDS ACT.**

14 The first sentence of section 8(g)(2) of the Outer
 15 Continental Shelf Lands Act (43 U.S.C. § 1337(g)(2)) is
 16 amended by inserting after “three nautical miles” each
 17 place it appears the following: “(or in the case of Alabama,
 18 nine nautical miles)”.

19 **TITLE II—LAND AND WATER**
 20 **CONSERVATION FUND REFORM**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Land and Water Con-
 23 servation Fund Reform Act of 1998”.

24 **SEC. 202. FINDINGS AND PURPOSE.**

25 (a) FINDINGS.—The Congress finds the following:

1 (1) The Land and Water Conservation Fund
2 Act of 1965 embodied a visionary concept—that a
3 portion of the proceeds from Outer Continental
4 Shelf mineral leasing revenues and the depletion of
5 a nonrenewable natural resource should result in a
6 legacy of public places accessible for public recre-
7 ation and benefit from resources belonging to all
8 people, of all generations, and the enhancement of
9 the most precious and most renewable natural re-
10 source of any nation, healthy and active citizens.

11 (2) The States and local governments were to
12 occupy a pivotal role in accomplishing the purposes
13 of the Land and Water Conservation Fund Act of
14 1965 and the Act originally provided an equitable
15 portion of funds to the States, and through them, to
16 local governments.

17 (3) However, because of competition for limited
18 Federal moneys and the need for an annual appro-
19 priation, this original intention has been abandoned
20 and, in recent years, the States have not received an
21 equitable proportion of funds.

22 (4) Nonetheless, with population growth and
23 urban sprawl, the demand for recreation and con-
24 servation areas, at the State and local level, includ-

1 ing urban localities, remains a high priority for our
2 citizens.

3 (5) In addition to the demand at the State and
4 local level, there has been an increasing unmet need
5 for Federal moneys to be made available for Federal
6 purposes, with lands identified as important for Fed-
7 eral acquisition not being acquired for several years
8 due to insufficient funds.

9 (6) A new vision is called for—a vision that en-
10 compasses a multilevel national network of parks,
11 recreation and conservation areas that reaches
12 across the country to touch all communities. Na-
13 tional parks are not enough; the federal government
14 alone cannot accomplish this. A national vision,
15 backed by realistic national funding support, to
16 stimulate State, local and private sector, as well as
17 Federal efforts, is the only way to effectively address
18 our ongoing outdoor recreation and conservation
19 needs.

20 (b) PURPOSE.—The purpose of this title is to provide
21 a secure source of funds available for Federal purposes
22 authorized by the Land and Water Conservation Fund Act
23 of 1965 and to revitalize and complement State, local and
24 private commitments envisioned in the Land and Water
25 Conservation Fund Act of 1965 and the Urban Park and

1 Recreation Recovery Act of 1978 by providing grants for
 2 State, local and urban recreation and conservation needs.

3 **SEC. 203. LAND AND WATER CONSERVATION FUND AMEND-**
 4 **MENTS.**

5 (a) REVENUES.—Section 2(c)(1) of the Land and
 6 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–
 7 5(c)(1)) is amended as follows:

8 (1) By inserting “(A)” after “(c)(1)”.

9 (2) By striking “there are authorized” and all
 10 that follows and inserting “from 16 percent of the
 11 revenues, as that term is defined in the Reinvest-
 12 ment and Environmental Restoration Act of 1998,
 13 shall be deposited in the Land and Water Conserva-
 14 tion Fund in the Treasury and shall be available,
 15 without further appropriation, to carry out this Act
 16 for each fiscal year thereafter through September
 17 30, 2015.”

18 (3) By adding at the end the following new sub-
 19 paragraph:

20 “(B) In those instances where through ju-
 21 dicial decision, administrative review, arbitra-
 22 tion, or other means there are royalty refunds
 23 owed to entities generating revenues available
 24 for purposes of this Act, 16 percent of such re-

1 funds shall be paid from amounts available
2 under this subsection.”.

3 (b) AUTHORIZATION.—Section 2(c)(2) of the Land
4 and Water Conservation Fund Act of 1965 (16 U.S.C.
5 § 460l–5(c)(2)) is amended by striking “equivalent
6 amounts provided in clause (1)” and inserting
7 “\$900,000,000”.

8 (c) APPROPRIATION.—Section 3 of the Land and
9 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–
10 6) is amended by striking “Moneys” and inserting “Ex-
11 cept as provided under section 460l–5(c)(1), moneys”.

12 (d) ALLOCATION OF FUNDS.—Section 5 of the Land
13 and Water Conservation Fund Act of 1965 (16 U.S.C.
14 § 460l–7) is amended as follows:

15 (1) by inserting “(a)” at the beginning;

16 (2) by striking “Those appropriations from the
17 fund” and all that follows; and

18 (3) by adding at the end the following new sub-
19 section:

20 “(b) Moneys credited to the fund under section
21 2(c)(1) of this Act (16 U.S.C. § 460l–5(c)(1)) for obliga-
22 tion or expenditure may be obligated or expended only as
23 follows—

24 “(1) 45 percent shall be available for Federal
25 purposes. Notwithstanding section 7 of this Act (16

1 U.S.C. § 460l–9), 25 percent of such moneys shall
2 be made available to the Secretary of Agriculture for
3 the acquisition of lands, waters, or interests, in land
4 or water within the exterior boundaries of areas of
5 the National Forest System or any other land man-
6 agement unit established by an Act of Congress and
7 managed by the Secretary of Agriculture and 75
8 percent of such moneys shall be available to the Sec-
9 retary of the Interior for the acquisition of lands,
10 waters, or interests in land or water within the exte-
11 rior boundaries of areas of the National Park Sys-
12 tem, National Wildlife Refuge System, or other land
13 management unit established by an Act of Congress:
14 *Provided*, That at least two-thirds of the moneys
15 available under this paragraph for Federal purposes
16 shall be spent east of the 100th meridian.

17 “(2) 45 percent shall be available for financial
18 assistance to the States under section 6 of this Act
19 (16 U.S.C. § 460l–8) distributed according to the
20 following allocation formula;

21 “(A) 60 percent shall be apportioned
22 equally among the several States;

23 “(B) 20 percent shall be apportioned on
24 the basis of the ratio which the population of

1 each State bears to the total population of the
 2 United States;

3 “(C) 20 percent shall be apportioned on
 4 the basis of the urban population in each State
 5 (as defined by Metropolitan Statistical Areas).

6 “(3) 10 percent shall be available to local gov-
 7 ernments through the Urban Parks and Recreation
 8 Recovery Program (16 U.S.C. §§ 2501–2514) of the
 9 Department of the Interior.

10 So much, not to exceed 2 percent, of the total of such
 11 moneys credited to the fund under section 2(c)(1) of this
 12 Act (16 U.S.C. § 460l–5(c)) in each fiscal year as the Sec-
 13 retary of the Interior may estimate to be necessary for
 14 expenses in the administration and execution of this sub-
 15 section shall be deducted for that purpose, and such sum
 16 is authorized to be made available therefor until the expi-
 17 ration of the next succeeding fiscal year, and within 60
 18 days after the close of such fiscal year the Secretary shall
 19 apportion such part thereof as remains unexpended, if
 20 any, on the same basis and in the same manner as is pro-
 21 vided under paragraphs (1), (2) and (3).”.

22 (e) TRIBES AND ALASKA NATIVE VILLAGE CORPORA-
 23 TIONS.—Subsection 6(b)(5) of the Land and Water Con-
 24 servation Fund Act of 1965 (16 U.S.C. § 460l–8(b)(5))
 25 is amended as follows:

1 (1) By inserting “(A)” after “(5)”.

2 (2) By adding at the end the following new sub-
3 paragraph:

4 “(B) For the purposes of paragraph (1),
5 all federally recognized Indian tribes and Alas-
6 ka Native Village Corporations (as defined in
7 section 3(j) of the Alaska Native Claims Settle-
8 ment Act (43 U.S.C. 1602(j)) shall be treated
9 collectively as 1 State, and shall receive shares
10 of the apportionment under paragraph (1) in
11 accordance with a competitive grant program
12 established by the Secretary by rule. Such rule
13 shall ensure that in each fiscal year no single
14 tribe or Village Corporation receives more than
15 10 percent of the total amount made available
16 to all tribes and Village Corporations pursuant
17 to the apportionment under paragraph (1).
18 Funds received by an Indian tribe or Village
19 Corporation under this subparagraph may be
20 expended only for the purposes specified in
21 paragraphs (1) and (3) of subsection (b).”.

22 (f) LOCAL ALLOCATION.—Subsection 6(b) of the
23 Land and Water Conservation Fund Act of 1965 (16
24 U.S.C. § 460l–8(b)(5)) is amended by adding at the end
25 the following new paragraph:

1 “(6) Absent some compelling and annually doc-
2 umented reason to the contrary acceptable to the
3 Secretary, each State (other than an area treated as
4 a State under paragraph (5)) shall make available as
5 grants to local governments at least 50 percent of
6 the annual State apportionment, or an equivalent
7 amount made available from other sources.”

8 (g) MATCH.—Subsection 6(c) of the Land and Water
9 Conservation Fund Act of 1965 (16 U.S.C. § 460l–8(c))
10 is amended to read as follows:

11 “(c) MATCHING REQUIREMENTS.—Payments to any
12 State shall cover not more than 50 percent of the cost
13 of outdoor recreation and conservation planning, acquisi-
14 tion or development projects that are undertaken by the
15 State.”.

16 (h) STATE ACTION AGENDA.—Subsection 6(d) of the
17 Land and Water Conservation Fund Act of 1965 (16
18 U.S.C. § 460l–8(d)) is amended to read as follows:

19 “(d) STATE ACTION AGENDA REQUIRED.—Each
20 State may define its own priorities and criteria for selec-
21 tion of outdoor recreation and conservation acquisition
22 and development projects eligible for grants under this Act
23 so long as it provides for public involvement in this process
24 and publishes an accurate and current State Action Agen-
25 da for Community Recreation and Conservation indicating

1 the needs it has identified and the priorities and criteria
2 it has established. In order to assess its needs and estab-
3 lish its overall priorities, each State, in partnership with
4 its local governments and Federal agencies, and in con-
5 sultation with its citizens, shall develop a State Action
6 Agenda for Community Recreation and Conservation,
7 within five years of enactment, that meets the following
8 requirements:

9 “(1) The agenda must be strategic, originating
10 in broad-based and long-term needs, but focused on
11 actions that can be funded over the next 4 years.

12 “(2) The agenda must be updated at least once
13 every 4 years and certified by the Governor that the
14 State Action Agenda for Community Recreation and
15 Conservation conclusions and proposed actions have
16 been considered in an active public involvement proc-
17 ess.

18 State Action Agendas for Community Recreation and Con-
19 servation shall take into account all providers of recreation
20 and conservation lands within each State, including Fed-
21 eral, regional and local government resources and shall be
22 correlated whenever possible with other State, regional,
23 and local plans for parks, recreation, open space and wet-
24 lands conservation.

1 “Each State Action Agenda for Community Recre-
2 ation and Conservation shall specifically address wetlands
3 within that State as important outdoor recreation and con-
4 servation resources. Each State Action Agenda for Com-
5 munity Recreation and Conservation shall incorporate a
6 wetlands priority plan developed in consultation with the
7 State agency with responsibility for fish and wildlife re-
8 sources which is consistent with that national wetlands
9 priority conservation plan developed under section 301 of
10 the Emergency Wetlands Resources Act.

11 “Recovery action programs developed by urban local-
12 ities under section 1007 of the Urban Park and Recre-
13 ation Recovery Act of 1978 shall be used by a State as
14 one guide to the conclusions, priorities and action sched-
15 ules contained in the State Action Agenda for Community
16 Recreation and Conservation. Each State shall assure that
17 any requirements for local outdoor recreation and con-
18 servation planning that are promulgated as conditions for
19 grants minimize redundancy of local efforts by allowing,
20 wherever possible, use of the findings, priorities, and im-
21 plementation schedules of recovery action programs to
22 meet such requirements.”.

23 (i) Comprehensive State Plans developed by any
24 State under section 6(d) of the Land and Water Conserva-
25 tion Fund Act of 1965 (16 U.S.C. § 460l–8(d)) before the

1 enactment of this Act shall remain in effect in that State
 2 until or State Action Agenda for Community Recreation
 3 and Conservation has been adopted pursuant to the
 4 amendment made by this subsection, but no later than 5
 5 years after the enactment of this Act.

6 (j) STATE PLANS.—Subsection 6(e) of the Land and
 7 Water Conservation Fund Act of 1965 (16 U.S.C. § 460l–
 8 8(e)) is amended—

9 (1) by striking “State comprehensive plan” at
 10 the end of the first paragraph and inserting “State
 11 Action Agenda for Community Recreation and Con-
 12 servation”;

13 (2) by striking “State comprehensive plan” in
 14 paragraph (1) and inserting “State Action Agenda
 15 for Community Recreation and Conservation”; and

16 (3) by striking “but not including incidental
 17 costs related to acquisition” at the end of paragraph
 18 (1).

19 (k) CONVERSION.—Paragraph 6(f)(3) of the Land
 20 and Water Conservation Fund Act of 1965 (16 U.S.C.
 21 § 460l–8(f)(3)) is amended by striking the second sentence
 22 and inserting: “With the exception of those properties that
 23 are no longer viable as an outdoor recreation and con-
 24 servation facility due to changes in demographics or must
 25 be abandoned because of environmental contamination

1 which endanger public health and safety, the Secretary
 2 shall approve such conversion only if the State dem-
 3 onstrates no prudent or feasible alternative exists. Any
 4 conversion must satisfy any conditions the Secretary
 5 deems necessary to assure the substitution of other recre-
 6 ation and conservation properties of at least equal fair
 7 market value, or reasonably equivalent usefulness and lo-
 8 cation and which are in accord with the existing State Ac-
 9 tion Agenda for Community Recreation and Conservation:
 10 *Provided*, That wetland areas and interests therein as
 11 identified in the wetlands provisions of the action agenda
 12 and proposed to be acquired as suitable replacement prop-
 13 erty within that same State that is otherwise acceptable
 14 to the Secretary shall be considered to be of reasonably
 15 equivalent usefulness with the property proposed for con-
 16 version.”.

17 **SEC. 204. URBAN PARK AND RECREATION RECOVERY ACT**
 18 **OF 1978 AMENDMENTS.**

19 (a) GRANTS.—Section 1004 of the Urban Park and
 20 Recreation Recovery Act (16 U.S.C. § 2503) is amended
 21 by redesignating subsections (d), (e), and (f) as sub-
 22 sections (f), (g), and (h) respectively, and by inserting the
 23 following after subsection (c):

24 “(d) ‘development grants’ means matching capital
 25 grants to local units of government to cover costs of devel-

1 opment and construction on existing or new neighborhood
 2 recreation sites, including indoor and outdoor recreation
 3 facilities, support facilities, and landscaping, but excluding
 4 routine maintenance and upkeep activities;

5 “(e) ‘acquisition grants’ means matching capital
 6 grants to local units of government to cover the direct and
 7 incidental costs of purchasing new parkland to be perma-
 8 nently dedicated and made accessible for public recreation
 9 use.”.

10 (b) ELIGIBILITY.—Subsection 1005(a) of the Urban
 11 Park and Recreation Recovery Act (16 U.S.C. § 2504) is
 12 amended to read as follows:

13 “(a) Eligibility of general purpose local governments
 14 to compete for assistance under this title shall be based
 15 upon needed as determined by the Secretary. Generally,
 16 the list of eligible governments shall include the following:

17 “(1) All central cities of Metropolitan, Primary
 18 or Consolidated Statistical Areas as currently de-
 19 fined by the census.

20 “(2) All political subdivisions included in Metro-
 21 politan, Primary or Consolidated Statistical Areas as
 22 currently defined by the census.

23 “(3) Any other city or town within a Metropoli-
 24 tan Area with a total population of 50,000 or more
 25 in the census of 1970, 1980 or 1990.

1 “(4) Any other county, parish or township with
2 a total population of 250,000 or more in the census
3 of 1970, 1980 or 1990.”.

4 (c) MATCHING GRANTS.—Subsection 1006(a) of the
5 Urban Park and Recreation Recovery Act (16 U.S.C.
6 § 2505(a)) is amended by striking all through paragraph
7 (3) and inserting the following:

8 “SEC. 1006(a). The Secretary is authorized to pro-
9 vide 70 percent matching grants for rehabilitation, innova-
10 tion, development or acquisition purposes to eligible gen-
11 eral purpose local governments upon his approval of appli-
12 cations therefor by the chief executives of such govern-
13 ments.

14 “(1) At the discretion of such applicants, and
15 if consistent with an approved application, rehabili-
16 tation, innovation, development or acquisition grants
17 may be transferred in whole or in part to independ-
18 ent special purpose local governments, private non-
19 profit agencies or country or regional park authori-
20 ties; except that, such grantees shall provide assur-
21 ance to the Secretary that they will maintain public
22 recreation opportunities at assisted areas and facili-
23 ties owned or managed by them in accordance with
24 section 1010 of this Act.

1 “(2) Payments may be made only for those re-
2 habilitation, innovation, development, or acquisition
3 projects which have been approved by the Secretary.
4 Such payments may be made from time to time in
5 keeping with the rate of progress toward completion
6 of a project, on a reimbursable basis.”.

7 (d) COORDINATION.—Section 1008 of the Urban
8 Park and Recreation Recovery Act (16 U.S.C. § 2507) is
9 amended by striking the last sentence and inserting the
10 following: “The Secretary and general purpose local gov-
11 ernments are encouraged to coordinate preparation of re-
12 covery action programs required by this title with State
13 Action Agendas for Community Recreation and Conserva-
14 tion required by section 6 of the Land and Water Con-
15 servation Fund Act of 1965, including the allowance of
16 flexibility in local preparation of recovery action programs
17 so that they may be used to meet State or local qualifica-
18 tions for local receipt of Land and Water Conservation
19 Fund grants or State grants for similar purposes or for
20 other recreation or conservation purposes. The Secretary
21 shall also encourage States to consider the findings, prior-
22 ities, strategies and schedules included in the recovery ac-
23 tion program of their urban localities in preparation and
24 updating of the State Action Agendas for Community
25 Recreation and Conservation, in accordance with the pub-

1 lie coordination and citizen consultation requirements of
2 subsection 6(d) of the Land and Water Conservation Fund
3 Act of 1965.”

4 (e) CONVERSION.—Section 1010 of the Urban Park
5 and Recreation Recovery Act (16 U.S.C. § 2509) is
6 amended by striking the first sentence and inserting the
7 following: “No property acquired or improved or developed
8 under this title shall, without the approval of the Sec-
9 retary, be converted to other than public recreation uses.
10 The Secretary shall approve such conversion only if the
11 grantee demonstrates no prudent or feasible alternative
12 exists (with the exception of those properties that are no
13 longer a viable recreation facility due to changes in demo-
14 graphics or must be abandoned because of environmental
15 contamination which endanger public health and safety).
16 Any conversion must satisfy any conditions the Secretary
17 deems necessary to assure the substitution of other recre-
18 ation properties of at least equal fair market value, or rea-
19 sonably equivalent usefulness and location and which are
20 in accord with the current recreation recovery action pro-
21 gram.”

22 (f) REPEAL.—Section 1014 of the Urban Park and
23 Recreation Recovery Act (16 U.S.C. 2513) is repealed.

1 **TITLE III—WILDLIFE CONSERVA-**
2 **TION AND RESTORATION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Wildlife Conservation
5 and Restoration Act of 1998”.

6 **SEC. 302. FINDINGS.**

7 The Congress finds and declares that—

8 (1) a diverse array of species of fish and wild-
9 life is of significant value to the Nation for many
10 reasons: aesthetic, ecological, educational, cultural,
11 recreational, economic, and scientific;

12 (2) it should be the objective of the United
13 States to retain for present and future generations
14 the opportunity to observe, understand, and appre-
15 ciate a wide variety of wildlife;

16 (3) millions of citizens participate in outdoor
17 recreation through hunting, fishing, and wildlife ob-
18 servation, all of which have significant value to the
19 citizens who engage in these activities;

20 (4) providing sufficient and properly maintained
21 wildlife associated recreational opportunities is im-
22 portant to enhancing public appreciation of a diver-
23 sity of wildlife and the habitats upon which they de-
24 pend;

1 (5) lands and waters which contain species clas-
2 sified neither as game nor identified as endangered
3 or threatened also can provide opportunities for
4 wildlife associated recreation and education such as
5 hunting and fishing permitted by applicable State or
6 Federal law;

7 (6) hunters and anglers have for more than 60
8 years willingly paid user fees in the form of Federal
9 excise taxes on hunting and fishing equipment to
10 support wildlife diversity and abundance, through
11 enactment of the Federal Aid in Wildlife Restoration
12 Act (commonly referred to as the Pittman-Robertson
13 Act) and the Federal Aid in Sport Fish Restoration
14 Act (commonly referred to as the Dingell-Johnson/
15 Wallop-Breaux Act);

16 (7) State programs, adequately funded to con-
17 serve a broader array of wildlife in an individual
18 State and conducted in coordination with Federal,
19 State, tribal, and private landowners and interested
20 organizations, would continue to serve as a vital link
21 in a nationwide effort to restore game and nongame
22 wildlife, and the essential elements of such programs
23 should include conservation measures which manage
24 for a diverse variety of populations of wildlife; and

1 (8) It is proper for Congress to bolster and ex-
2 tend this highly successful program to aid game and
3 nongame wildlife in supporting the health and diver-
4 sity of habitat, as well as providing funds for con-
5 servation education.

6 **SEC. 303. PURPOSES.**

7 The purposes of this title are—

8 (1) to extend financial and technical assistance
9 to the States under the Federal Aid to Wildlife Res-
10 toration Act for the benefit of a diverse array of
11 wildlife and associated habitats, including species
12 that are not hunted or fished, to fulfill unmet needs
13 of wildlife within the States while recognizing the
14 mandate of the States to conserve all wildlife;

15 (2) to assure sound conservation policies
16 through the development, revision and implementa-
17 tion of wildlife associated recreation and wildlife as-
18 sociated education and wildlife conservation law en-
19 forcement;

20 (3) to encourage State fish and wildlife agencies
21 to create partnerships between the Federal Govern-
22 ment, other State agencies, wildlife conservation or-
23 ganizations, and outdoor recreation and conservation
24 interests through cooperative planning and imple-
25 mentation of this title; and

1 (4) to encourage State fish and wildlife agencies
 2 to provide for public involvement in the process of
 3 development and implementation of a wildlife con-
 4 servation and restoration program.

5 **SEC. 304. DEFINITIONS.**

6 (a) REFERENCE TO LAW.—In this title, the term
 7 “Federal Aid in Wildlife Restoration Act” means the Act
 8 of September 2, 1937 (16 U.S.C. 669 et seq.), commonly
 9 referred to as the Federal Aid in Wildlife Restoration Act
 10 or the Pittman-Robertson Act.

11 (b) WILDLIFE CONSERVATION AND RESTORATION
 12 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-
 13 toration Act (16 U.S.C. 669a) is amended by inserting
 14 after “shall be construed” in the first place it appears the
 15 following: “to include the wildlife conservation and res-
 16 toration program and”.

17 (c) STATE AGENCIES.—Section 2 of the Federal Aid
 18 in Wildlife Restoration Act (16 U.S.C. 669a) is amended
 19 by inserting “or State fish and wildlife department” after
 20 “State fish and game department”.

21 (d) CONSERVATION.—Section 2 is amended by strik-
 22 ing the period at the end thereof, substituting a semicolon,
 23 and adding the following: “the term ‘conservation’ shall
 24 be construed to mean the use of methods and procedures
 25 necessary or desirable to sustain healthy populations of

1 wildlife including all activities associated with scientific re-
2 sources management such as research, census, monitoring
3 of populations, acquisition, improvement and management
4 of habitat, live trapping and transplantation, wildlife dam-
5 age management, and periodic or total protection of a spe-
6 cies or population as well as the taking of individuals with-
7 in wildlife stock or population if permitted by applicable
8 State and Federal law; the term ‘wildlife conservation and
9 restoration program’ shall be construed to mean a pro-
10 gram developed by a State fish and wildlife department
11 that the Secretary determines meets the criteria in section
12 6(d), the projects that constitute such a program, which
13 may be implemented in whole or part through grants and
14 contracts by a State to other State, Federal, or local agen-
15 cies wildlife conservation organizations and outdoor recre-
16 ation and conservation education entities from funds ap-
17 portioned under this title, and maintenance of such
18 projects; the term ‘wildlife’ shall be construed to mean any
19 species of wild, free-ranging fauna including fish, and also
20 fauna in captive breeding programs the object of which
21 is to reintroduce individuals of a depleted indigenous spe-
22 cies into previously occupied range; the term ‘wildlife-asso-
23 ciated recreation’ shall be construed to mean projects in-
24 tended to meet the demand for outdoor activities associ-
25 ated with wildlife including, but not limited to, hunting

1 and fishing, such projects as construction or restoration
 2 of wildlife viewing areas, observation towers, blinds, plat-
 3 forms, land and water trails, water access, trailheads, and
 4 access for such projects; and the term ‘wildlife conserva-
 5 tion education’ shall be construed to mean projects, in-
 6 cluding public outreach, intended to foster responsible nat-
 7 ural resource stewardship.”.

8 (e) 7 PERCENT.—Subsection 3(a) of the Federal Aid
 9 in Wildlife Restoration Act (16 U.S.C. 669b(a)) is amend-
 10 ed in the first sentence by—

11 (1) inserting “(1)” after “(beginning with the
 12 fiscal year 1975)”; and

13 (2) inserting after “Internal Revenue Code of
 14 1954” the following: “, and (2) from 7 percent of
 15 the revenues, as that term is defined in the Rein-
 16 vestment Act and Environmental Restoration Act of
 17 1998,”.

18 **SEC. 305. SUBACCOUNTS AND REFUNDS.**

19 Section 3 of the Federal Aid in Wildlife Restoration
 20 Act (16 U.S.C. 669b) is amended by adding at the end
 21 the following new subsections:

22 “(c) A subaccount shall be established in the Federal
 23 aid to wildlife restoration fund in the Treasury to be
 24 known as the ‘wildlife conservation and restoration ac-
 25 count’ and the credits to such account shall be equal to

1 the 7 percent of revenues referred to in subsection (a)(2).
2 Amounts in such account shall be invested by the Sec-
3 retary of the Treasury as set forth in subsection (b) and
4 shall be made available without further appropriation, to-
5 gether with interest, for apportionment at the beginning
6 of fiscal year 2000 and each fiscal year thereafter to carry
7 out State wildlife conservation and restoration programs.

8 “(d) Funds covered into the wildlife conservation and
9 restoration account shall supplement, but not replace, ex-
10 isting funds available to the States from the sport fish
11 restoration and wildlife restoration accounts and shall be
12 used for the development, revision, and implementation of
13 wildlife conservation and restoration programs and should
14 be used to address the unmet needs for a diverse array
15 of wildlife and associated habitats, including species that
16 are not hunted or fished, for wildlife conservation, wildlife
17 conservation education, and wildlife-associated recreation
18 projects: *Provided*, That such funds may be used for new
19 programs and projects as well as to enhance existing pro-
20 grams and projects.

21 “(e) Notwithstanding subsections (a) and (b) of this
22 Act, with respect to the wildlife conservation and restora-
23 tion account so much of the appropriation apportioned to
24 any State for any fiscal year as remains unexpended at
25 the close thereof is authorized to be made available for

1 expenditure in that State until the close of the fourth suc-
 2 ceeding fiscal year. Any amount apportioned to any State
 3 under this subsection that is unexpended or unobligated
 4 at the end of the period during which it is available for
 5 expenditure on any project is authorized to be reappor-
 6 tioned to all States during the succeeding fiscal year.

7 “(f) In those instances where through judicial deci-
 8 sion, administrative review, arbitration, or other means
 9 there are royalty refunds owed to entities generating reve-
 10 nues available for purposes of this Act, 7 percent of such
 11 refunds shall be paid from amounts available under sub-
 12 section (a)(2).”.

13 **SEC. 306. ALLOCATION OF SUBACCOUNT RECEIPTS.**

14 Section 4 of the Federal Aid in Wildlife Restoration
 15 Act (16 U.S.C. 669c) is amended by adding the following
 16 new subsection:

17 “(c)(1) Notwithstanding subsection (a), so much, not
 18 to exceed 2 percent, of the revenues covered into the wild-
 19 life conservation and restoration account in each fiscal
 20 year as the Secretary of the Interior may estimate to be
 21 necessary for expenses in the administration and execution
 22 of programs carried out under the wildlife conservation
 23 and restoration account shall be deducted for that pur-
 24 pose, and such sum is authorized to be made available
 25 therefor until the expiration of the next succeeding fiscal

1 year, and within 60 days after the close of such fiscal year
2 the Secretary of the Interior shall apportion such part
3 thereof as remains unexpended, if any, on the same basis
4 and in the same manner as is provided under paragraphs
5 (2) and (3).

6 “(2) The Secretary of the Interior, after making the
7 deduction under paragraph (1), shall make the following
8 apportionment from the amount remaining in the wildlife
9 conservation and restoration account:

10 “(A) to the District of Columbia and to the
11 Commonwealth of Puerto Rico, each a sum equal to
12 not more than $\frac{1}{2}$ of 1 percent thereof; and

13 “(B) to Guam, American Samoa, the Virgin Is-
14 lands, and the Commonwealth of the Northern Mari-
15 ana Islands, each a sum equal to not more than $\frac{1}{6}$
16 of 1 percent thereof.

17 “(3) The Secretary of the Interior, after making the
18 deduction under paragraph (1) and the apportionment
19 under paragraph (2), shall apportion the remaining
20 amount in the wildlife conservation and restoration ac-
21 count for each year among the States in the following
22 manner:

23 “(A) $\frac{1}{3}$ which is based on the ratio to which
24 the land area of such State bears to the total land
25 area of all such States; and

1 “(B) $\frac{2}{3}$ of which is based on the ratio to which
 2 the population of such State bears to the total popu-
 3 lation of all such States.

4 The amounts apportioned under this paragraph shall be
 5 adjusted equitably so that no such State shall be appor-
 6 tioned a sum which is less than $\frac{1}{2}$ of 1 percent of the
 7 amount available for apportionment under this paragraph
 8 for any fiscal year or more than 5 percent of such amount.

9 “(d) WILDLIFE CONSERVATION AND RESTORATION
 10 PROGRAMS.—Any State, through its fish and wildlife de-
 11 partment, may apply to the Secretary for approval of a
 12 wildlife conservation and restoration program or for funds
 13 to develop a program, which shall—

14 “(1) contain provision for vesting in the fish
 15 and wildlife department of overall responsibility and
 16 accountability for development and implementation
 17 of the program; and

18 “(2) contain provision for development and im-
 19 plementation of—

20 “(A) wildlife conservation projects which
 21 expand and support existing wildlife programs
 22 to meet the needs of a diverse array of wildlife
 23 species,

24 “(B) wildlife associated recreation pro-
 25 grams, and

1 “(C) wildlife conservation education
2 projects.

3 If the Secretary of the Interior finds that an application
4 for such program contains the elements specified in para-
5 graphs (1) and (2), the Secretary shall approve such appli-
6 cation and set aside from the apportionment to the State
7 made pursuant to section 4(c) an amount that shall not
8 exceed 90 percent of the estimated cost of developing and
9 implementing segments of the program for the first 5 fis-
10 cal years following enactment of this subsection and not
11 to exceed 75 percent thereafter. Not more than 10 percent
12 of the amounts apportioned to each State from this sub-
13 account for the State’s wildlife conservation and restora-
14 tion program may be used for law enforcement. Following
15 approval, the Secretary may make payments on a project
16 that is a segment of the State’s wildlife conservation and
17 restoration program as the project progresses but such
18 payments, including previous payments on the project, if
19 any, shall not be more than the United States pro rata
20 share of such project. The Secretary, under such regula-
21 tions as he may prescribe, may advance funds representing
22 the United States pro rata share of a project that is a
23 segment of a wildlife conservation and restoration pro-
24 gram, including funds to develop such program. For pur-
25 poses of this subsection, the term ‘State’ shall include the

1 District of Columbia, the Commonwealth of Puerto Rico,
2 the United States Virgin Islands, Guam, American
3 Samoa, and the Commonwealth of the Northern Mariana
4 Islands.”.

5 (b) FACA.—Coordination with State fish and wildlife
6 department personnel or with personnel of other State
7 agencies pursuant to the Federal Aid in Wildlife Restora-
8 tion Act or the Federal Aid in Sport Fish Restoration Act
9 shall not be subject to the Federal Advisory Committee
10 Act (5 U.S.C. App.). Except for the preceding sentence,
11 the provisions of this title relate solely to wildlife conserva-
12 tion and restoration programs as defined in this title and
13 shall not be construed to affect the provisions of the Fed-
14 eral Aid in Wildlife Restoration Act relating to wildlife res-
15 toration projects or the provisions of the Federal Aid in
16 Sport Fish Restoration Act relating to fish restoration and
17 management projects.

18 **SEC. 307. LAW ENFORCEMENT AND PUBLIC RELATIONS.**

19 The third sentence of subsection (a) of section 8 of
20 the Federal Aid in Wildlife Restoration Act (16 U.S.C.
21 669g) is amended by inserting before the period at the
22 end thereof: “, except that funds available from this sub-
23 account for a State wildlife conservation and restoration
24 program may be used for law enforcement and public rela-
25 tions”.

1 **SEC. 308. PROHIBITION AGAINST DIVERSION.**

2 No designated State agency shall be eligible to receive
3 matching funds under this Act if sources of revenue avail-
4 able to it on January 1, 1998, for conservation of wildlife
5 are diverted for any purpose other than the administration
6 of the designated State agency, it being the intention of
7 Congress that funds available to States under this Act be
8 added to revenues from existing State sources and not
9 serve as a substitute for revenues from such sources. Such
10 revenues shall include interest, dividends, or other income
11 earned on the foregoing.

○